REMARKS

I.   Introduction

In a non-final Office Action mailed on July 9, 2008, claims 21, 23, 25-34, 36, 38-39, and 46-49 were rejected under 35 U.S.C. § 103(a) over a combination of U.S. Patent No. 5,983,270 ("Abraham") and U.S. Patent No. 5,983,274 ("Hyder"). Applicant herein amends claims 21, 27, 34, and 48. Claims 21, 23, 25-34, 36, 38-39, and 46-49 are pending.

Applicant would like to thank Examiner Choudhury for his consideration during the interview of September 22, 2008. During the interview, applicant's representative and the Examiner discussed the Abraham and Hyder references. The substance of the interview is discussed below in Sections II.A-B. In addition, the Examiner suggested amending the claims to focus on the relationship between the recited data structures. Applicant thanks the Examiner for this suggestion. Applicant respectfully requests that the Examiner contact the undersigned attorney if he believes that any additional information regarding the interview is necessary. For reasons discussed in detail below, applicant respectfully submits that the pending claims are in condition for allowance.

II.   Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected the pending claims under 35 U.S.C. § 103(a) over a combination of Abraham and Hyder. Applicant respectfully traverses these rejections and submits that none of the cited references, alone or in combination, teaches each of the elements recited by the pending claims.

A.   <u>Abraham does not disclose or suggest "an interface to make selection for logging of some or all of a plurality of fields of the protocol…and to make specification of a sequence in which the selected fields are to appear in a log file"</u>

The Office Action contends that Abraham describes "an interface to make a selection for logging of some or all of a plurality of fields [of the protocol]…and to make a specification of a sequence in which the selected fields are to appear in a log file," as recited by claim 27. (Office Action, July 9, 2008, page 5, *citing* Abraham 2:30-32 and 14-9:28.) In particular, the Office Action suggests that the recited interface is "equivalent to [Abraham's] network management program." (*Id.*) Applicants respectfully disagree with this characterization of Abraham.

In the cited sections, Abraham describes the user-interface of its management program, which an administrator may user to add, edit, or delete network protocols. In particular, Abraham explains:

> To add a network protocol to the list of network protocols, shown in the maintain network protocols window, the system administrator selects an Add button. The GUI will then generate an add network protocol window as shown in FIG. 8C. To add a network protocol to the network protocol list, the system administrator inputs the information requested in the add network protocol window, i.e., <u>the name of the protocol, the port number associated with the protocol, and the commonly known alias for the protocol, and lets a log traffic check box to indicate that IP packets transferred via the network protocol are to be logged</u>…If the system administrator wishes to <u>edit a network protocol</u>…, the system administrator highlights the desired protocol and selects the edit button. The add network protocol window is generated and the system administrator can <u>enter the updated information for the network protocol</u>.

(*Id.*, 14:9-55, emphasis added.) Although Abraham's user-interface allows an administrator <u>to select a protocol for logging</u>, nowhere does Abraham disclose or suggest that its user-interface allows an administrator <u>to select some or all of a plurality of fields of the protocol for logging</u>, much less to specify a sequence in which the

selected fields are to appear in a log file, as recited.[1] Thus, applicant respectfully submits that the pending claims are patentable over Abraham.

Hyder describes a series of control data structures for implementing a prioritized packet transmission scheme. (*See, e.g.*, Hyder, 4:50-60, 8:35-9:12.) However, Hyder also fails to disclose or suggest an interface to select some or all of a plurality of fields of the protocol for logging and to specify a sequence in which the selected fields are to appear in a log file, as recited. Thus, for at least this reason, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 21, 23, 25-34, 36, 38-39, and 46-49 under 35 U.S.C. § 103(a) over a combinations of Abraham and Hyder.

B. <u>Abraham and Hyder, individually and in combination, do not disclose or suggest the recited first, second, and third data structures</u>

The Office Action acknowledges that Abraham does not disclose the recited first, second, and third data structures. (Office Action, July 9, 2008, pages 3-4, 6-7, 10-11, and 14-15.) However, the Office Action suggests that Hyder cures this deficiency. In particular, the Office Action states:

> Hyder teaches a system for maintaining network information. In particular, <u>Hyder teaches a control data structure and packet data structure</u> (see Figure 4 and column 8, line 35 – column 9, line 12, Hyder). The control data structure has within it a <u>storage section</u> (data structure), <u>for storing numeric offset (deemed equivalent to the claimed first data structure</u> storing position data) (see column 9, line 2 and Figure 4, Hyder). The control data structure also has within it a <u>storage section</u> (data structure), <u>for storing free form data (deemed equivalent to the claimed second data structure)</u> (see column 9, lines 6-12, and Figure 4,

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[1] During the interview, the Examiner suggested that, by using SQL "in querying, searching, <u>sorting</u>, updating, and managing the database" (Abraham, 7:29-31, emphasis added), Abraham implicitly discloses "an interface…to make specification of a sequence in which the selected fields are to appear in a log file." Applicant respectfully disagrees. The SQL interface is not the same as applicant's recited interface which allows a user to control logging. For example, SQL queries execute once and return data that has already been stored in a database. In contrast, with applicant's technology, the output is persistent, and the specified sequence is used for each request or response that is logged. Moreover, with applicant's technology, the selections (i.e., selected fields and/or sequence) may be changed "while the network cache is running" as recited by claims 34 and 48, whereas a SQL interface merely runs against a given dataset once.

> Hyder). Finally Hyder's packet data structure has <u>a pointer</u> (pointer is a
> reference) to control the data structure (<u>deemed equivalent to the claimed third
> data structure</u>) (see column 8, lines 35-36 and Figure 4, Hyder).

(*Id.*, emphasis added.) Applicant respectfully disagrees with this characterization of

Hyder. Hyder's numeric offset does not correspond to the recited first data structure, as

suggested by the Office Action. Hyder explains that the numeric offset of a control data

structure points to the beginning of the next control data structure.   (Hyder, 9:1-5.)

However, as recited by claim 21, the first data structure "store[s], <u>for each of the plurality</u>

<u>of fields</u> of the protocol, an indication of whether a field has been selected for logging,

wherein when the field has been selected for logging, the indication identifies a position

in the specified sequence of the selected field." (Emphasis added.) That is, the first

data structure is not simply a numeric offset, but rather it stores an indication of which

fields of a protocol have been selected for logging and the order in which the selected

fields are to appear in a log file.[2] (*See, e.g.*, Applicant's Specification, Figure 3 #31.)

Moreover, applicant respectfully submits that neither Hyder's packet data

structure nor Hyder's pointer correspond to the recited third data structure, as

suggested by the Office Action. As illustrated in Figure 4 of Hyder, the pointer identifies

the first control data structure in the series of control data structures. However, as

recited by claim 21, the third data structure "store[s], for each of the selected fields, <u>a</u>

<u>reference</u> to the corresponding information stored in the second data structure, wherein

each reference is stored <u>in a location of the third data structure that corresponds to the</u>

<u>position in the specified sequence of the selected field</u>, and wherein the position is

identified by the indication stored in the first data structure that corresponds to the

selected field." (Emphasis added.) That is, the third data structure stores references to

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[2] Claim 27 recites "storing in a first data structure, <u>for each selected field</u>, a value indicating a position in
the specified sequence of the selected field." (Emphasis added.) Claim 34 recites "a first data structure
to store a value indicating a position in the specified sequence <u>for each selected field</u>." (Emphasis
added.) Claim 48 recites "storing in a first data structure a value indicating a position in the first sequence
<u>of each of the first number of fields</u>." (Emphasis added.) Thus, for similar reasons to those discussed in
connection with claim 21, applicant respectfully submits that claims 27, 34, 48 and their dependents are
patentable over the combination of Abraham and Hyder.

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the data of each selected field in the second data structure based on the specified sequence identified by the first data structure. (*See, e.g.,* Applicant's Specification, Figure 3 #33.) Thus, Hyder's packet data structure cannot correspond to the recited third data structure because the pointer does not point to the "free form data area" of the control data structure (which the Office Action equates to the recited second data structure). Moreover, nowhere does Hyder disclose or suggest that the pointer is stored in a particular location of the packet data structure, much less a location that corresponds to a position in a specified sequence.[3]

For at least these reasons, applicant respectfully submits that Hyder does not disclose or suggest the recited first, second, or third data structures. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of the pending claims under 35 U.S.C. § 103(a) over a combination of Abraham and Hyder.

        C.   Abraham and Hyder, individually and in combination, do not disclose or suggest "storing the information in a second data structure in a sequence independent of the specified sequence"

In rejecting claims 27 and 48, the Office Action acknowledges that Abraham does not disclose "storing the information in a second data structure in a sequence independent of the specified sequence." (Office Action, July 9, 2008, pages 6, 13.) However, applicant respectfully submits that the Office Action does not identify what in Hyder corresponds to "storing the information in a second data structure in a sequence

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[3] Claim 27 recites "storing in a third data structure, for each selected field, a reference to the corresponding information stored in the second data structure, including storing, based on the first data structure, each reference in a location of the third data structure that corresponds to the position in the specified sequence of the selected field." (Emphasis added.) Claim 34 recites "a third data structure to store a reference to the information stored in the second data structure, including storing the reference in a location of the third data structure that corresponds to the position in the specified sequence of a field corresponding to the reference." (Emphasis added.) Claim 48 recites "storing in a third data structure a reference to the information for each of the first number of fields stored in the second data structure, including storing each reference in a location of the third data structure that corresponds to the position in the first sequence of the field corresponding to the reference." (Emphasis added.) Thus, for similar

independent of the specified sequence." (Emphasis added.) Thus, because the Office Action does not indicate how this feature is disclosed or suggested by the references, applicant respectfully submits that the Office Action has not set forth a *prima facie* case of obviousness with respect to claims 27 and 48 and their dependents.

> D.   There is no reason to combine Abraham and Hyder

Applicant respectfully submits that the Office Action does not state why someone of ordinary skill in the art would have been motivated to use the particular data structures of Hyder in the system of Abraham. To present a *prima facie* case of obviousness, the Examiner must show that "there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." (*KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, at 1740-41 (2007).) The Examiner's analysis "should be made explicit." (*Id.*) "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness". (*Id.*, *citing In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).)

The Office Action suggests the following as the reason to combine Abraham and Hyder:

> It would have been obvious...to have combined the teachings of Abraham with those of Hyder, <u>to teach how data structures can be associated with network information</u>.

(Office Action, July 9, 2008, page 4, emphasis added.) Applicant respectfully submits that the Office Action's stated rationale of "to teach how data structures can be associated with network information" is far too vague to meet the *KSR* standard of an "articulated reasoning with some rational underpinning." For example, without achieving some advantage from combining Hyder's data structures with Abraham's

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reasons to those discussed in connection with claim 21, applicant respectfully submits that claims 27, 34, 48 and their dependents are patentable over the combination of Abraham and Hyder.

system, applicant submits that one would not be motivated to learn "how data structures can be associated with network information." Because the Office Action does not provided any reason that would motivate one to combine Abraham and Hyder, applicant respectfully submits that the pending claims are patentable over Abraham with Hyder.

Furthermore, applicant respectfully submits that there is no reason to combine Abraham and Hyder, at least because one skilled in the art would have no reasonable expectation of success. That is, even if it there was some reason to combine Abraham and Hyder, a technique for doing so would entail complexities that would require detailed explanation for one of ordinary skill in the art to implement, which is not present in either Abraham or Hyder. For example, Hyder's technique is directed to routing packets between the data link layer (implemented by a network card device driver) and the transport and network layers (implemented as a transport protocol driver) (Hyder, 1:58-62), while Abraham describes a management program for system administrators to establish user-based rules for accessing a local area network. (Abraham, 8:30-67.) Thus, it is unclear how one of ordinary skill in the art would integrate the data structures described by Hyder with Abraham's management application to produce the claimed invention.

For at least these reasons, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 21, 23, 25-34, 36, 38-39, and 46-49 under 35 U.S.C. § 103(a) over a combination of Abraham and Hyder.

III.   Conclusion

In view of the above remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite examination of this application, the Examiner is encouraged to call the undersigned at (206) 359-8077.
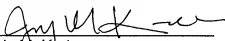
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Please charge any deficiencies or credit any overpayments to our Deposit Account No. 50-0665, under Order No. 672728048US2 from which the undersigned is authorized to draw.

Dated: *10/9/08*

Respectfully submitted,

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